IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 23161 of 2007(S)

AGAINST THE ORDER IN IA.54/2007 IN
OP.25/2007 of FAMILY COURT,KOZHIKODE.
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PETITIONER:

R.K.BIJU, S/O.LAKSHMANAN, RESIDING AT
STALIN NIVAS, P.O.KURIKKILAD, VADAKARA,
KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN,
SRI.P.A.HARISH.

RESPONDENTS:
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1. **P.V.NARAYANAN, RESIDING AT**
   KOTTAKKUNNUMMEL HOUSE, P.O.VELAM,
   VIA KUTTIYADI, VADAKARA, KOZHIKODE.

2. **CHANDRA, W/O.P.V.NARAYANAN,**
   RESIDING AT KOTTAKKUNNUMMEL HOUSE,
   P.O.VELAM, VIA KUTTIYADI, VADAKARA,
   KOZHIKODE.

BY ADV. SRI.P.S.SREEDHARAN PILLAI,
SMT.C.G.PREETHA,
SMT.P.RANI DIOTHIMA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.23161/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PETITION FILED BEFORE THE FAMILY COURT AS O.P. 25/2007.

EXT.P.2: COPY OF THE POST MORTEM REPORT.

EXT.P.3: COPY OF THE REPORT OF DR. K.K. RAJAGOPALAN, CONSULTANT PSYCHIATRIST.

EXT.P.4: COPY OF THE AFFIDAVIT FILED IN SUPPORT OF THE PETITION AS I.A. 54/2007.

EXT.P.5: COPY OF THE COUNTER STATEMENT FILED BY THE RESPONDENTS.

EXT.P.6: COPY OF THE ORDER OF THE FAMILY COURT.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

J.B. KOSHY & V. GIRI, JJ.

W.P.(C) No.23161 of 2007 S

Dated this the 20th day of August, 2007

Judgment

Koshy,J.

This writ petition is filed against the order passed in an I.A. for interim custody of the seven months' old child. It is stated that with regard to the death of the wife of the petitioner, a criminal case is registered against the petitioner under section 304-B of the Indian Penal Code. It is also noticed that the child is only one year old and there is nobody to look after the child in the petitioner's house. After considering the entire circumstances, interim custody of the child was given to the maternal grand parents. It is submitted that there were observations against the petitioner. What was mentioned in the order was that a criminal case is pending against the petitioner, his brother and parents. Final order shall be passed by the Family Court untrammelled by the observations in the impugned order.

We also give right to the petitioner to approach the Family Court again for visitation right.

J.B.KOSHY
JUDGE

V. GIRI
JUDGE

vaa

J.B. KOSHY AND
V.GIRI,JJ.

W.P.(c)NO.23161 OF 2007 S

Judgment

Dated:20th AUGUST, 2007